



Agenda

City Council Meeting

City Council Chambers, City Hall
Wednesday, December 18, 2019
6:30 P.M.

1. Call To Order By The Mayor
2. 19-367. Review and approve agenda
3. 19-368. General business and appearances
4. 19-369. Consideration of the Consent Agenda
 - a. Approve 12/11 meeting minutes
 - b. Payroll and bills
5. 19-370. Professional Planner of the Year Resolution
6. 19-371. Appointment to the Transportation Infrastructure Committee
7. 19-372. Kellogg-Hubbard Library presentation
8. 19-373. Housing Trust Fund update
9. 19-374. Homelessness Task Force report
10. 19-375. Winter Parking Ban Ordinance Amendment (Sibley & Prospect) 2nd Public Hearing
11. 19-376. Interim River Hazard Map Amendment Public Hearing
12. 19-377. Recreation Center decision
13. 19-378. Budget
14. 19-379. Dog Ordinance
15. 19-380. Other business
16. 19-381. Council reports
17. 19-382. Mayor's report

18. 19-383. City Clerk's report
19. 19-384. City Manager's report
20. Adjournment

Minutes of the Montpelier City Council Meeting
December 11, 2019 6:30pm
City Council Chambers

In attendance: Mayor Anne Watson (Chair), Councilors Dona Bate, Conor Casey, Glen Hutcheson, Jack McCullough, Ashley Hill and Lauren Hierl. City Clerk John Odum acted as secretary.

The Mayor called the meeting to order at 6:30.

19-353. Without objection, the agenda was approved by unanimous consent.

19-354. Elizabeth Parker rose to commend the recent public works efforts on the multi-use path as well as logistics of access to the Winter Farmer's Market. Brief discussion followed.

Steve Whitaker addressed the following topics: street and sidewalk condition, police shootings and alleged malfeasance, treatment of the homeless, public records law, transit center conditions, the proposed parking garage, concerns about the homelessness task force,

19-355. The consent agenda was considered. After a brief discussion on the MSAC wood floor refinishing, Councilor Hutcheson moved approval of the consent agenda and was seconded by Councilor Casey. The motion carried unanimously.

19-356. The Council considered appointments to the Transportation Infrastructure Committee. Speaking on behalf of her candidacy was Elizabeth Parker. Councilor McCullough moved to reappoint Stephen Falbel, Constaninos Stivaros, and appoint Hanif Nazerali. Councilor Hierl seconded and the motion passed unanimously.

19-357. Appointments to the Complete Streets Committee were discussed. Candidates speaking were David Ory, Mary Ann Angell, and Nancy Schulz.

Councilor McCullough moved pursuant to 1 VSA § 313a(3) to go into executive session to discuss the appointment of a public officer. Councilor Hill seconded. Motion carried unanimously at 6:49.

At 6:50, Councilor McCullough moved to return to open session and was seconded by Councilor Hierl. The motion carried unanimously.

Councilor Casey moved to appoint Nancy Schulz, Mary Ann Angell, Phoenix Mitchell, and David Ory to the 2-year positions on the Complete Streets

Committee and Hanif Nazerali to the 1-year alternate. Councilor Hill seconded and the motion carried unanimously.

- 19-358. Bob Hannum and Rob Hitzig gave the Council a Public Art Commission update. Heather Corey participated in the discussion. No formal action taken.

City Manager Fraser and Mayor Watson apologized to Casey Jones in regards to a recent incident. Brief discussion on that and other issues followed.

Discussion returned to the Public Art Commission. Kevin Casey participated.

- 19-359. Planning Director Miller opened an Interim River Hazard map amendment discussion. No formal action taken. Tom Brown participated in discussion.

Councilor Bate moved to schedule the 1st public hearing at the next meeting, December 18, to approve the proposed interim river hazard amendment. Councilor Bate seconded. Discussion followed and the motion passed -1 with Councilor Hill voting nay.

- 19-360. The Mayor opened the 1st public hearing on a proposed winter parking ban ordinance amendment (Sibley & Prospect) at 7:41. Discussion included Valerie Lewis, Heather Corey, Stephen Cohen, Stephanie Quaranta, and Bob Gowans. The Mayor closed the public hearing at 8:14. Councilor McCullough moved to schedule the 2nd public hearing for the proposed ordinance for the next week's meeting. Councilor Casey seconded and the motion carried 5-1 (Councilor Hill voting nay). There was brief further discussion.

The Mayor called a recess at 8:19. The meeting reconvened at 8:26.

- 19-361. The Council engaged in a budget discussion. Police Chief Facos participated. No formal action taken.

- 19-363. Councilor Bate offered suggestions on shared use path signage. She noted the downtown streetscape master plan upcoming meeting, congratulated those who worked on the Statehouse ice rink and offered comments on the state panel working on racial inequities.

Councilor Hutcheson echoes Elizabeth Parker's comments on the shared use path and noted his weekly constituent meeting at Bagitos before announcing he would not seek reelection.

Councilor McCullough spoke on the state of Guertin Park which spurred a brief discussion.

Councilor Hierl gave a Social and Economic Justice Committee update.

- 19-364. The Mayor's reported on the recent VECAN conference and working with public works on using electric trimmers. She also reported on a recent public discussion of food security and climate change before thanking Councilor Hutcheson for his service. Finally, the Mayor returned to the discussion of Guertin Park and homelessness issues.
- 19-365. The City Clerk reported that water/sewer bills were coming due Monday. He also noted that, despite his hopes, the Clerk's operations would likely not be featured in an expected documentary.
- 19-366. The City Manager's reported on the two hires made by the city during the week.

Without objection, the Mayor adjourned the meeting at 9:32 by unanimous consent.



SUBJECT: Professional Planner Award Resolution

SUBMITTING DEPARTMENT: Vermont Planners Association via the City Manager

RECOMMENDED ACTION: Hear from Meagan Tuttle of the Vermont Planners Association, sign and read Resolution.

STRATEGIC OUTCOME/INITIATIVE: Thoughtfully Planned Built Environment; Inclusive, Equitable and Engaged Community

EXPENDITURE REQUIRED: N/A

SOURCE OF FUNDS: N/A

LEGAL REQUIREMENTS: N/A

BACKGROUND INFORMATION: Kate McCarthy, Vice Chair of the Development Review Board, has been selected as the Professional Planner of the Year by the Vermont Planners Association and Northern New England Chapter of the American Planning Association. The City Manager's office was contacted by Meagan Tuttle, President of the Vermont Planners Association, requesting a Resolution recognizing Kate's work.

SUPPORTING DOCUMENTS: Resolution

INTERESTED PARTIES: Vermont Planners Association, Northern New England Chapter of the American Planning Association

CITY MANAGER'S APPROVAL:

A handwritten signature in black ink, appearing to read "W. Hoffman", written over a horizontal line.



RESOLUTION

Recognizing Kate McCarthy as Professional Planner of the Year

WHEREAS, Kate McCarthy is the Sustainable Communities Program Director for the Vermont Natural Resources Council (VNRC); and

WHEREAS, Kate's work at VNRC focuses on building sustainable, compact communities, with the goal of providing residents with transportation, housing and employment options, while also supporting the state's working lands, natural areas, and wildlife habitat; and

WHEREAS, Kate is a member of the American Planning Association, the American Institute of Certified Planners, and the Vermont Planners Association where she served for six years on the Executive Committee; and

WHEREAS, Kate was also appointed by the Vermont Speaker of the House to serve on the state's Housing and Conservation Board, and serves as the Vice Chair of the Montpelier Development Review Board; and

WHEREAS, many know Kate's work as planner, advocate, researcher, and educator who has had a far-reaching impact on statewide land use policy in Vermont and beyond, through her work with the legislature, elected boards and commissions, regional and local planners, and other non-profit and advocacy organizations; and

WHEREAS, Kate continues to have an impact on state level policies by providing new data and helping guide discussions on critical issues such as land use planning, transportation, climate change, systems management, and resource protection; and

WHEREAS, Kate has been successful in increasing the understanding of these issues among professional planners, lay citizens, and elected officials, and advancing land use planning in the state by working closely with representatives and planners at all levels across Vermont; and

WHEREAS, Kate is recognized by her peers for her unique and much-needed style as an "advocacy planner,"—someone who sees the longer-term picture and advocates for policies that are necessary to keep our social, environmental, and economic systems healthy; and

WHEREAS, Kate is careful with information, patient in educating the public, passionate about creating a better world, and is one of the bright stars in the Vermont professional planning community; and

WHEREAS, for all of these reasons, in 2019, Kate was selected as the Professional Planner of the Year by both the Vermont Planners Association and the Northern New England Chapter of the American Planning Association.

NOW THEREFORE BE IT RESOLVED, that Mayor Anne Watson congratulates Kate McCarthy on being named Professional Planner of the year by her professional peers, and thanks her for her commitment to Montpelier, and all of Vermont's communities.

Signed this 18th day of December, 2019

Anne Watson, Mayor

SUBJECT: Appointment to the Montpelier Transportation Infrastructure Committee (MTIC)

SUBMITTING DEPARTMENT: City Manager

RECOMMENDED ACTION: Reappoint Constantinos Stivaros to MTIC.

STRATEGIC OUTCOME/INITIATIVE: Sustainable Infrastructure; Thoughtfully Planned Built Environment; Responsive and Responsible Government

EXPENDITURE REQUIRED: N/A

SOURCE OF FUNDS: N/A

LEGAL REQUIREMENTS: N/A

BACKGROUND INFORMATION: The Montpelier Transportation Infrastructure Committee (MTIC) is tasked with advising City Council on policy and infrastructure improvements related to transportation, as per City Council's direction.

Constantinos' seat expired on 12/13. He seeks reappointment to the Committee.

SUPPORTING DOCUMENTS: Applications

INTERESTED PARTIES: City Council; Applicant; MTIC

CITY MANAGER'S APPROVAL:



From: noreply@civicplus.com
Sent: Wednesday, December 11, 2019 2:12 PM
To: Jamie Carroll
Subject: Online Form Submittal: City of Montpelier Boards & Commissions Application

City of Montpelier Boards & Commissions Application

APPLICATION FORM MONTPELIER CITY BOARDS AND COMMITTEES

Please use this form to express your interest in serving on a particular board/committee or commission. For information on our boards and committees, please visit <https://www.montpelier-vt.org/committeevacancies>. The Montpelier City Council makes appointments to board/committees at their regular meetings as vacancies occur. Completed applications are public documents and are subject to the Vermont Public Records Act.

The Montpelier City Council is committed to seeking diversity on all boards, committees and commissions, including but not limited to geographic, racial, gender, cultural, age, socio economic diversity. Montpelier residency for applicants is preferred but not required.

Name	Constantinos Stivaros
Email Address	[REDACTED]
Address	[REDACTED]
City	Montpelier
State	VT
Zip Code	05602
Phone Number	[REDACTED]
Occupation	Auditor/Cheesemaker
Are you 18 years of age or older?	Yes
Are you a registered voter in the City of Montpelier?	Yes
Are you a resident of the City of Montpelier?	Yes
How long have you been a resident of the City of Montpelier?	3 years

Are you related to any elected City Councilor (including by marriage)?	No
Do you have any pending litigation against the City?	No
Name of City Board or Committee: (If applying for more than one board/committee, please list order of preference)	Montpelier Transportation Infrastructure Committee
Are you currently serving or have you served on any City board or committee? If so, please list and give approximate dates.	Montpelier Transportation Infrastructure Committee since December 2017. Have been chair of committee since October 2019.

Please answer each question in as much detail as possible.

Education/Credentials:	B.A. Philosophy - UMASS Amherst 2009 M.S. Accounting - CUNY Baruch College 2015 Certified Public Accountant - 2016
Professional activities that relate to this board/committee:	Previously worked as an auditor for the New York Metropolitan Transportation Authority Inspector General. Conducted various audits of operational and financial areas of the organization. Work included analysis of effectiveness and efficiency of public transportation services and compliance with federal and state regulations and grant requirements. Currently work as an auditor for the State of Vermont and have conducted audits of VTTrans operations.
Community activities that relate to this board/committee:	Volunteer mechanic at Freeride Montpelier since 2016 Board member of Sustainable Montpelier Coalition since December 2018
Why are you interested in serving on this board/committee?	Transportation is an important part of a community as it affects areas many areas such as housing, land use and employment. I'm interested in supporting a multi-modal transportation system that is accessible and usable to all users year-round. In addition, meeting the City's NetZero goals and beyond is also important to me and transportation is one area that has a great influence on emissions.
What talents or experience would you bring to the board/committee?	My professional life, previously as an auditor at the New York Metropolitan Transportation Authority and currently at the Vermont State Auditor's Office, has made me familiar with the

nuances and details of infrastructure work from various perspectives. My previous work has included analysis of the cost effectiveness of transportation programs such as paratransit programs and analysis of high risk intersections. As a pedestrian, cyclist and motorist, public infrastructure is a personal interest of mine that I have been lucky enough to work on professionally.

Any other comments or information you wish to provide to the Mayor and City Councilors?

It is currently a pivotal time for transportation in Montpelier with an On-Demand Micro-transit possibly beginning operations soon and an update to the city plan and downtown master plan. This will provide an opportunity to do once in a generation changes to the city streetscapes. I hope to these changes will encourage growth and economic development while still preserving and improving on accessibility to transportation systems for all users.

I am eager to continue my involvement with this committee!

Are you involved in any personal, professional or business pursuit that would affect your ability to make fair and impartial recommendations as a member of a City advisory board or committee?

No

ACKNOWLEDGMENT

I have read and accept the terms of board/committee appointment.

By e-signing this application, I certify that there are no misrepresentations, omissions or falsifications on this application.

Constantinos Stivaros

12/11/2019

Submitted on:

Thank you for your interest in serving the City of Montpelier as a volunteer board or committee member. Your willingness to serve is greatly appreciated.

Email not displaying correctly? [View it in your browser.](#)



CITY COUNCIL Agenda Item #19-372

Date: December 18, 2019

Consent___Discussion X

SUBJECT: Kellogg-Hubbard Library Presentation

SUBMITTING DEPARTMENT: City Manager's Office

RECOMMENDED ACTION: Receive Presentation; Opportunity for Discussion

STRATEGIC OUTCOME: N/A

EXPENDITURE REQUIRED: None

SOURCE OF FUNDS: N/A

LEGAL REQUIREMENTS: N/A

BACKGROUND INFORMATION: Carolyn Brennan, Co-Director of the Kellogg-Hubbard library, along with Rachel Muse, trustee appointed by City Council, will be presenting on the library's financial request for FY21.

SUPPORTING DOCUMENTS: None

INTERESTED PARTIES: City Council, Residents

CITY MANAGER'S APPROVAL:

A handwritten signature in black ink, appearing to read "W. Hoffman", written over a faint, circular official stamp.



CITY COUNCIL Agenda Item # 19-373

Date: December 18, 2019

Consent: _____ Discussion: X

SUBJECT: Montpelier Housing Trust Fund

SUBMITTING DEPARTMENT: Department of Planning and Community Development on behalf of Housing Task Force

RECOMMENDED ACTION: Receive presentation from the Housing Task Force

STRATEGIC OUTCOME/PRIOR ACTION: More Housing; Community Prosperity

EXPENDITURE REQUIRED: \$110,000

SOURCE OF FUNDS: Housing Trust Fund

LEGAL REQUIREMENTS: N/A

BACKGROUND INFORMATION: The Housing Task Force makes an annual recommendation to the City Council regarding funding levels for the Housing Trust Fund. The attached memo outlines the accomplishments of the Trust Fund as well as the upcoming projects which will need funding including the First Time Homebuyer Program, Funding Gap for the WCMH/ Another Way renovations in 2020, as well as the next new multi-family housing projects which we anticipate in 3-5 years.

SUPPORTING DOCUMENTS: Memo from Housing Task Force

INTERESTED PARTIES: Housing Task Force, Housing Trust Fund Committee

CITY MANAGER'S APPROVAL:

A handwritten signature in black ink, appearing to read "W. Hoffmann".

To: Members of the City Council

From: Jen Hollar and Polly Nichol, Co-chairs, Montpelier Housing Task Force

Re.: FY'21 Funding for the Housing Trust Fund

Date: December 4, 2019

Thank-you for your past generous support of the Housing Trust Fund. Although the need for more housing in Montpelier continues and therefore the Housing Task Force's goal is to ultimately see a Trust Fund appropriation of \$150,000 annually, we recognize that this is a difficult budget year. Therefore the Housing Task Force voted to request that you consider Trust Fund funding at the same level as last year, that is, **\$110,000**.

With level funding the city will be able to:

- Continue to help first-time homebuyers purchase homes in Montpelier
- Respond to urgent needs that may arise during the year
- Accumulate financial resources to contribute to the next large multi-family development

As you are aware, during the past two fiscal years Trust Fund dollars were awarded to the French Block that includes five apartments for households who were formerly homeless, and to the Transit Center Apartments which include homes for both lower and middle income households. Since July 1 of this year, three first time homebuyers were assisted with another loan pending and a few more in the pipeline. In addition, the Transit Center received an award of \$75,000 that closed the gap in their development budget and allowed that project to proceed.

City staff expects to receive a request for funds to close the funding gap for the renovation of 90 Barre St., a building owned by Washington County Mental Health that houses formerly homeless individuals. Keeping those apartments viable is a key piece in the city's ability to help to address homelessness. In addition, if Christ Church decides to continue to pursue housing behind the church, we expect that they will make a substantial request to the Trust Fund.

Thank-you again for your past support. Montpelier is so fortunate to have a resource specifically dedicated to housing. It has given the city a "leg up" when proposed developments apply for highly competitive state and federal funding and allows developments to proceed when they are faced with an unanticipated budget gap when bids are opened and/or development costs are finalized. It has been so effective that other municipalities are using it as a model. We hope that as you deliberate next year's budget you will see fit to propose level funding for the Trust Fund.



CITY COUNCIL Agenda Item #19-374

Date: December 18, 2019

Consent ____ **Discussion** X

SUBJECT: Homelessness Task Force Update Report

SUBMITTING DEPARTMENT: Homelessness Task Force (HTF)

RECOMMENDED ACTION: Receive an update from the HTF on immediate FY20 budget needs to implement short-term goals. The HTF asks that Council approve a budget ask that will allow the HTF to implement the immediate recommendations as presented. Receive the FY21 budget ask from the HTF and approve as many project funding asks as possible.

STRATEGIC OUTCOME/PRIOR ACTION: The Homelessness Task Force's first recommendation to extend the Bethany Warming Shelter was adopted at the October 9th 2019 Council Meeting. Further funding requests for extending the Bethany Warming Shelter into the spring were adopted at the November 20th, 2019 Council Meeting. The HTF has also submitted a larger strategic plan for review at the November 20th 2019 Council meeting and are asking the Council to approve budget asks that can further the strategic work of the Task Force.

EXPENDITURE REQUIRED: Budget Ask for FY20: \$3,750, Budget Ask for FY21: \$56,400

SOURCE OF FUNDS: New funding source needed from City budget. Yet to be identified.

LEGAL REQUIREMENTS: N/A

BACKGROUND INFORMATION: At the November 20th, 2019 Council Meeting, the Council approved funding to be spent to help Good Samaritan run the Bethany Church shelter longer into the spring-time. The Homelessness Task Force has further budget asks, which would allow for the immediate implementation of recommendations it believes aid in the safety and security of those experiencing homelessness in our community, and to fund long term solutions.

SUPPORTING DOCUMENTS: Homelessness Task Force Budget Request Report

INTERESTED PARTIES: The Homelessness Task Force

CITY MANAGER'S APPROVAL:

A handwritten signature in black ink, appearing to read "W. Hoffman", written over a horizontal line.

Homelessness Task Force Budget Request Report

City Council Meeting December 18th 2019

The Homelessness Task Force (HTF) has previously provided a strategic plan with short, medium, and long term goals that address some of the gaps and needs of those experiencing homelessness in the Montpelier community. In order to accomplish these goals, and to best address needs within our community, there needs to be funding and support. While the HTF intends to explore other funding streams, including possible local fundraising, State advocacy work, and grants- the Task Force understands that the City remains a main source of funding.

This budget ask will present some of the concrete projects that the HTF would like to move forward. These project proposals all have individual funding requirements, and the Task Force's request of the Council would be to support as many of these specific funding asks as possible within the current budget climate.

The HTF has an initial ask for the FY20 budget, which would solve some of the identified immediate gaps, including more access to restrooms, and by providing securable lockers for those experiencing homelessness to store their belongings. The restroom ask will be continued in FY21. The FY21 budget ask address more long-term goals and projects that need continued support.

FY20 FUNDING ASKS

1. Lockers:

Fund storage lockers for those experiencing homelessness. It is important for there to be secure areas for storage of necessary survival supplies such as sleeping bags- which are currently at risk of being stolen and damaged by the weather. Estimate costs were received from Lightning Lockers for their used inventory.

a. Total Request for this item: \$750

- i. Estimates for costs include the lockers and the shipping for lockers: \$500
- ii. Building a shelter to protect the lockers from the elements and permitting fees before construction- \$250

2. Bathrooms:

Fund a solution to the lack of accessible 24-hour bathrooms throughout the city. Funding would pay for two porta-john units, one regular unit, and one accessible unit. These proposed costs include the monthly care and cleaning of these facilities by the contractor. Goals would be to place these facilities in areas identified to be of best use to those who need them. Quotes were received from Wind River Environmental, a company that has an established relationship with the City and has been used by the City's Cemetery Department. They have quoted the facilities rental fees at a discount because of their proposed use for the betterment of our community.

a. Total Request for this item: \$3,000

- i. One Porta-John: \$100 monthly is \$1,200 a year
- ii. One Porta-John Accessible version: \$150 monthly is \$1,800 a year

Homelessness Task Force Budget Request Report

City Council Meeting December 18th 2019

FY20 Project Proposals	FY20 Funds Requested
Portable Bathrooms	\$3,000
Lockers and Installations	\$750
Totals:	\$3,750

FY21 FUNDING ASKS

1. Continue Providing Bathrooms:

Continue to fund a solution to the lack of accessible 24-hour bathrooms throughout the city. These costs include monthly care and cleaning of these facilities. The goal would be to continue to place these facilities in areas identified with the highest need.

a. Total Request for this item: \$3,000

- i. One Porta-John: \$100 monthly is \$1,200 a year
- ii. One Porta-John Accessible version: \$150 monthly is \$1,800 a year

2. Continued Homelessness Shelter Opening Extension Funding:

The HTF understands that Montpelier is facing an environment where community churches that host shelters and meals are under financial pressure. It also understands that sheltering and housing resources coming from the State are under their own funding pressures. The ask of the City of Montpelier is to continue to fund the expanded fall and springtime time frames for the Good Samaritan Overflow Shelter that is typically hosted at a Montpelier community church. This funding could also help Good Samaritan off-set the costs incurred by the host church in the operation of the shelter, including power, water, and other utilities.

This FY21 ask also has an increase from the \$10k awarded in FY20, to allow for allocation of resources to folks who are unable to stay in the shelter. As the HTF's report discussed, there are significant numbers of individuals experiencing homeless who are unable to utilize existing shelters because of space limitations or because of behavioral expectations. These additional funds could be used to assist them with their specific needs.

a. Total Request for this item: \$15,000

3. Fund Street Outreach Positions:

The HTF's report also discussed that there are those experiencing homelessness in our community that are unable or unwilling to access services. The City of Montpelier has street outreach resources, but they are not funded or supported in their work. In order to reach those experiencing homelessness who are at the highest level of risk in our community we need to be able to reach out to them and help them on an individual basis. That is why the HTF recommends the funding of two part-time street outreach positions (under 20 hours a week each) to be added either as City Staff or as City funded staff at a willing community host agency, and funding an incidentals fund for these positions to buy supplies or emergency support for folks as needed. The HTF also

Homelessness Task Force Budget Request Report

City Council Meeting December 18th 2019

supports hiring peer advocates for these positions, as this can help break down bureaucratic barriers that sometimes keep folks from accessing or accepting services. These positions could conceivably also be in charge of keeping track of available services and resources in the Montpelier area and networking with those other service providers. The primary responsibilities of these positions would also be to help those in need of housing connect to permanent housing and other long-term solutions.

As an example of this program- the City of Burlington funded one person in this type of role as a pilot, and we are modeling our approach after their accomplishments. Through their pilot, Burlington funded one position, and now they have expanded into four full time staff, funded through both City and State money. If the Montpelier pilot is successful, the HTF also recommends trying to make this a tri-town service with partnership with Barre and Berlin and seeking a financial contribution from those towns.

a. Total Request for this item: \$28,400

- i. Two PTEs at \$11,700 per position
- ii. Incidentals Fund for the positions: \$5,000

4. General Responsiveness Fund:

The HTF requests that the City of Montpelier earmark \$10,000 in money to allow flexibility on behalf of the committee to initiate innovative solutions that bring the city towards the goal of having every person experiencing homeless off the street at night and moving towards being permanently housed. Example utilization of this funding could be to assist in the upkeep and maintenance of the lockers purchased in FY20, covering emergent unmet needs such as after-hours transportation to motel rooms or other emergency shelters, or help move folks off the street and into motels using the voucher system.

This money could also be used as matching funds to partner with other organizations seeking to address homelessness, including the Federal Government, the State of Vermont, Foundations, business groups, or non-profits. One particular opportunity is the upcoming restructuring of the Emergency Housing Program to the local level by the State of Vermont. This will allow programs to be tailored to the specific needs of a community and administered by a local entity.

The HTF or the City would not be that entity, but there will likely be opportunities to partner with a provider to help direct services towards those in need. Consider the recent story about unused housing vouchers. Housing vouchers are sitting unused because there are not matching funds available to support services. Some communities are turning to donations to filling funding gaps to help get people into homes. The City of Montpelier has an opportunity to engage local funders and leverage those funds to help meet that need and get more people into housing.

The City could also assist local landlords who need support in renting to a population known for being considered risks. By having even a modest chip to play with potential partners, we believe we can be most effective in catalyzing smart and targeted

Homelessness Task Force Budget Request Report

City Council Meeting December 18th 2019

solutions. Any initiative we bring forward will be able to be discussed by City Council and the Administrative Staff.

We recognize that while city funds might be limited, there is a strong desire to tackle this problem using innovation and relationship building. The HTF sees a strong interest addressing homelessness in many sectors, and believes that with a strong vision and active work on all of our parts, that solutions will continue to present themselves.

a. Total Request for this item: \$10,000

FY21 Project Proposals	FY21 Funds Requested
Portable Bathrooms	\$3,000
Homelessness Shelter Extension Funding	\$15,000
Street Outreach Position PTEs	\$28,400
General Responsive Fund	\$10,000
<i>Totals:</i>	<i>\$56,400</i>



CITY COUNCIL Agenda Item #19-375

Date: December 18, 2019

Consent ____ Discussion X

SUBJECT: Amendment to 10-714 of the Code of Ordinances- Winter Parking Ban: Prohibited overnight parking (adding two sections of streets), 2nd Public Hearing.

SUBMITTING DEPARTMENT: City Manager

RECOMMENDED ACTION: Conduct 2nd Public Hearing; Approve addition of Sibley Ave. from Barre St. to College St. and Prospect Street - except on the southerly side – beginning at a point 200 feet easterly of the intersection with Cherry Avenue, and proceeding easterly a distance of 325 feet (#35 Prospect Street to #51 Prospect Street) to Section 10-714 Night Parking Restrictions during the Winter Parking Ban timeframe.

STRATEGIC OUTCOME/INITIATIVE: Public Health and Safety; Sustainable Infrastructure

EXPENDITURE REQUIRED: N/A

SOURCE OF FUNDS: N/A

LEGAL REQUIREMENTS: Council must approve ordinance amendments.

BACKGROUND INFORMATION: Following a series of concerns from residents and public safety officials, we propose to add Sibley Ave. from Barre St. to College St., and an additional part of Prospect St. to the list of streets where overnight parking is always prohibited from November 15th to April 1st.

SUPPORTING DOCUMENTS: Notice of Public Hearing flyer.

INTERESTED PARTIES: DPW, Fire, PD, residents

CITY MANAGER'S APPROVAL:

A handwritten signature in black ink, appearing to read "W. Hoffman", written over a horizontal line.



Winter Parking Ban ORDINANCE UPDATE PUBLIC HEARING

The Montpelier City Council is meeting December 11th 6:30PM in the City Hall Council Chambers, 39 Main St. Montpelier, for the 1st Public Hearing to consider adding portions of Prospect Street and Sibley Ave. to the Ordinance Section 10-714 **Night Parking Restrictions during the Winter Parking Ban**. A Public Hearing is used for Council to hear the thoughts and opinions of residents and the community.

Portions of the streets being considered:

- **Prospect Street** - except on the southerly side – beginning at a point 200 feet easterly of the intersection with Cherry Avenue, and proceeding easterly a distance of 325 feet. Said area is from #35 Prospect Street to #51 Prospect Street.
- **Sibley Ave.** from Barre St. to College St.

FURTHER INFORMATION ON THE WINTER PARKING BAN:

Parking is allowed overnight on City streets except when the City Manager calls for a **Winter Parking Ban** due to weather or snow removal activities (City ordinance Sec. 10-714.) When a Winter Parking Ban is in effect parking will be prohibited between the hours of 1:00 AM and 7:00 A.M. on all City streets.

When will a Winter Parking Ban be declared?

A Winter Parking Ban may be declared when a predicted weather event or planned snow removal activities will require City Public Works crews to have clear access to the streets and sidewalks as determined by the Street Supervisor and City Manager. Every effort will be made to notify residents of a Winter Parking Ban by 6:00 P.M.

What if I don't move my car?

Your car may be ticketed and towed to allow Public Works staff to plow or salt the roads. Failure to move your car may result in a \$15 ticket and an \$85 towing charge.

How will I know a Winter Parking Ban has been declared?

- VT Alerts phone calls and text messages to subscribers. To register for alerts go to www.vtalert.gov.
- Front Porch Forum
- Alerts on the City's website and Facebook page
- Call the Winter Parking Ban phone line at (802) 262-6200.

Where can I park during a Winter Parking Ban?

Residents may park in the designated areas on Stone Cutters Way, in the Pitkin Parking Lot, or in the Blanchard Court Lot behind City Hall. A map of these locations can be found at <http://www.montpelier-vt.org/807/Winter-Parking-Ban>.



SUBJECT: Interim changes to the River Hazard Area Regulations Public Hearing

SUBMITTING DEPARTMENT: Planning & Community Development

RECOMMENDED ACTION: Hold Public Hearing, approve amendments.

STRATEGIC OUTCOME/INITIATIVE: Environmental Stewardship and Thoughtfully Planned Built Environment.

PRIOR ACTION: None.

EXPENDITURE REQUIRED: None

SOURCE OF FUNDS: N/A

LEGAL REQUIREMENTS: Interim regulation changes are adopted under 24 V.S.A. 4415.

BACKGROUND INFORMATION: This winter two applications have come forward for projects in the River Corridor. This area is similar to the flood hazard area but in this case is the land near a river that is set aside to allow room for the river to meander across the landscape (as rivers naturally will do). The City adopted these river corridor rules in January 2018 to prohibit new development in these hazardous areas and provided allowances for accessory structures. The issues we found with these regulations included: 1) the boundaries of the corridor are supposed to be clipped if they run into a road (according to state guidelines for developing maps). We found that this did not happen on Cummings Street. We propose to remove the areas north and east of the road. Second we had a proposal for a new low value accessory structure in the corridor. The application made sense but could not be approved. We suggested some clarifying language regarding accessory structures to ensure our goals are met regarding protections of property and river health as well as having reasonable rules about adding sheds, garages and other structures that could eventually need to be removed if the river channel adjusted.

SUPPORTING DOCUMENTS: Memo and map showing the change to Cummings Street.

INTERESTED PARTIES: Montpelier Planning Commission.

CITY MANAGER'S APPROVAL:

A handwritten signature in black ink, appearing to read "W. Hoffman".

MEMORANDUM

To: Mayor Anne Watson
City Council

From: Mike Miller, Director of Planning & Community Development

Re: Recommended interim changes to the River Hazard Area Regulations

Date: December 12, 2019

The following are the proposed additions for Section 711.D of the River Hazard Area regulations:

711.D An accessory structure within the river corridor may be permitted provided it is not for human habitation and the following:

(1) Accessory structures with a footprint less than 150 square feet in size may be permitted provided the project meets both of the following:

- a. The new structure is not within 50 feet of a stream or river bank; and
- b. The applicant acknowledges the inherent risk to property by developing in the river corridor.

(2) Accessory structures with a footprint less than 480 square feet in size may be permitted provided the project meets all of the following:

- a. The new structure is not within 50 feet of a stream or river bank;
- b. The new structure is not closer to the river or stream than the existing principal structure; and
- c. The applicant acknowledges the inherent risk to property by developing in the river corridor.

(3) Accessory structures with a footprint greater than, or equal to, 480 square feet in size may be permitted if the project meets all of the following:

- a. The new structure is not within 50 feet of a stream or river bank;
- b. The new structure is not closer to the river or stream than the existing principal structure;
- c. The new structure is of low-value (i.e. less than \$10,000) and used for storage of low-value contents; and
- d. The applicant acknowledges the inherent risk to property by developing in the river

corridor.

(4) Applicants may request a waiver from the provisions of subsections 711.D(2)(b) and/or 711.D(3)(b). Applications for such a waiver request shall show the following:

- a. The site or lot characteristics make siting a similar structure in conformance with the requirement either not possible or not practicable; and
- b. The waiver is the minimum necessary for the project.
- c. Where the Development Review Board approves a waiver, the Development Review Board may condition such approval including by limiting:
 - i. the size of structures;
 - ii. the number of structures; and/or
 - iii. the location of structures within the River Corridor.

Also, the River Corridor map will be amended to remove the River Corridor from the east side of Cummings Street (See attached map).

Please let me know of any questions or comments at the meeting on December 11th, the hearing on December 18th or by email at mmiller@montpelier-vt.org.

MM





CITY COUNCIL Agenda Item #19-377

Date: December 18, 2019

Consent ☐ **Discussion** ☒

SUBJECT: Recreation Department Renovation Options

SUBMITTING DEPARTMENT: Recreation Department and the City Manager's Office

RECOMMENDED ACTION: Receive an update from the Rec Center's renovation architect, regarding new 'net-zero' options, and the total costs from all three presented options. The Recreation Department and City Manager's office asks that Council select an option package, and determine if it would like to proceed with the bond issuance process.

STRATEGIC OUTCOME/PRIOR ACTION: The Council initially reviewed two options for the Recreation Center's renovation at the November 14th, 2019 Council Meeting. The current update includes another option package for renovations that includes the Council's feedback around including net-zero options.

EXPENDITURE REQUIRED: TBD

SOURCE OF FUNDS: Issuance of a bond.

LEGAL REQUIREMENTS: N/A

BACKGROUND INFORMATION: The Recreation Center as it currently exists is not accessible to the greater public, as the building is not ADA compliant and has space that is under-utilized. At the November 14th, 2019 Council meeting, the hired architect firm, Breadloaf, reviewed renovation option packages that could create an accessible, useful, and fully utilized Recreation Center. The project costs are estimates, and the council will need to determine what package best fits budgetary and community needs.

SUPPORTING DOCUMENTS: Project Estimates- Basic, Upgraded, "Net-Zero" Upgraded, and the Estimate Bond Amortization. The BreadLoaf group will provide a presentation.

INTERESTED PARTIES: The Recreation Department.

CITY MANAGER'S APPROVAL:

A handwritten signature in black ink, appearing to read "W. Hoffman".

CITY OF MONTPELIER - Recreation Center Renovations

Planning and Feasibility Study

11/13/19

Base Total Project Budget

Basement	7,000	sf
First Floor	7,000	sf
Second Floor	1,500	sf
Total Area	15,500	

CONSTRUCTION COST:

Site Development	\$	66,000
Renovations	\$	2,691,000
Total Construction Cost Without CM Fee + Contingency		\$2,757,000
Construction Management Fee estimated @ 4%		\$110,000
Construction Contingency @ 10%		\$287,000
Total Construction Cost with CM Fee + Contingency		\$3,154,000

PROFESSIONAL FEES:

Design Services & Construction Administration estimated @ 8%	\$252,000
Architectural	Included Above
Civil	Included Above
Structural	Included Above
Mechanical, Electrical & Fire Protection	Included Above
Subtotal Professional Fees	\$252,000

TOTAL CONSTRUCTION COST AND PROFESSIONAL FEES \$3,406,000

OTHER/ OWNER COSTS

Financing	To be determined
Legal	To be determined
Independent Testing Inspection	\$5,000
Hazardous Material Assessment and Abatement	\$95,000
Builder's Risk Insurance	To be determined
Payment and Performance Bonds	\$25,000
Permits:	
City of Montpelier building permit fee	Fee exempt??
Water Supply/Wastewater	To be determined
Erosion Control Permit	Not Applicable
Town Permits (Planning & Zoning)	Fee exempt??
Demolition Permit	To be determined
Act 250 @ .0074/\$1k (Under 1 Acre Disturbed)	Not Applicable
Utility Charges & Fees	\$20,000
Security and CCTV System	\$20,000
Data/Tele head end equipment, backbone distribution	\$15,000
Telephone System	\$3,000
Audio - Visual Equipment	\$5,000
Moving & Miscellaneous Expenses	To be determined
Furniture, Fixtures and Equipment (Excluding athletic equip.)	To be determined
Owner Contingency @ 10%	\$315,000

TOTAL OTHER/OWNER COSTS \$503,000

TOTAL PROJECT BUDGET \$ 3,909,000

CITY OF MONTPELIER - Recreation Center Renovations

Planning and Feasibility Study

11/13/19

Upgraded Total Project Budget

Basement	7,000	sf
First Floor	7,000	sf
Second Floor	1,500	sf
Total Area	15,500	

CONSTRUCTION COST:

Site Development	\$	66,000
Renovations	\$	2,691,000
Upgrade Adds:		
Ceramic tile walls in bathroom/showers (Not locker room)	\$	13,000
Remove and replace remaining basement slab	\$	72,000
Main entry canopy	\$	29,000
Climbing wall (Assumes structure can accommodate loading)	\$	57,000
Fitness & weight room equipment	\$	63,000
Upgrade efficiency of HVAC system	\$	177,000
Upgrade building lighting	\$	106,000
Generator	\$	69,000
New roof at east end of building	\$	12,000
Total Construction Cost Without CM Fee + Contingency		\$3,355,000
Construction Management Fee estimated @ 4%		\$134,000
Construction Contingency @ 10%		\$349,000
Total Construction Cost with CM Fee + Contingency		\$3,838,000

PROFESSIONAL FEES:

Design Services & Construction Administration estimated @ 8%	\$307,000
Architectural	Included Above
Civil	Included Above
Structural	Included Above
Mechanical, Electrical & Fire Protection	Included Above
Subtotal Professional Fees	\$307,000

TOTAL CONSTRUCTION COST AND PROFESSIONAL FEES \$4,145,000

OTHER/ OWNER COSTS

Financing	To be determined
Legal	To be determined
Independent Testing Inspection	\$5,000
Hazardous Material Assessment and Abatement	\$95,000
Builder's Risk Insurance	To be determined
Payment and Performance Bonds	\$30,000
Permits:	
City of Montpelier building permit fee	Fee exempt??
Water Supply/Wastewater	To be determined
Erosion Control Permit	Not Applicable
Town Permits (Planning & Zoning)	Fee exempt??
Demolition Permit	To be determined
Act 250 @ .0074/\$1k (Under 1 Acre Disturbed)	Not Applicable
Utility Charges & Fees	\$20,000
Security and CCTV System	\$20,000
Data/Tele head end equipment, backbone distribution	\$15,000
Telephone System	\$3,000
Audio - Visual Equipment	\$5,000
Moving & Miscellaneous Expenses	To be determined
Furniture, Fixtures and Equipment (Excluding athletic equip.)	To be determined
Owner Contingency @ 10%	\$384,000

TOTAL OTHER/OWNER COSTS \$577,000

TOTAL PROJECT BUDGET \$ 4,722,000

CITY OF MONTPELIER - Recreation Center Renovations

Planning and Feasibility Study

12/6/19

Upgraded Total Project Budget

Basement	7,000	sf
First Floor	7,000	sf
Second Floor	1,500	sf
Total Area	15,500	

CONSTRUCTION COST:

Site Development	\$	66,000
Renovations	\$	2,691,000
Upgrade Adds:		
Ceramic tile walls in bathroom/showers (Not locker room)	\$	13,000
Remove and replace remaining basement slab	\$	72,000
Main entry canopy	\$	29,000
Fitness & weight room equipment	\$	63,000
Upgrade HVAC system to fossil free (Air source heat pumps)	\$	360,000
Upgrade building lighting and electrical	\$	106,000
Generator	\$	69,000
New roof at east end of building	\$	12,000
Solar panels (48kw array on building roof)	\$	145,000
Insulate gym walls	\$	81,000
Total Construction Cost Without CM Fee + Contingency		\$3,707,000
Construction Management Fee estimated @ 4%		\$148,000
Construction Contingency @ 10%		\$386,000
Total Construction Cost with CM Fee + Contingency		\$4,241,000

PROFESSIONAL FEES:

Design Services & Construction Administration estimated @ 8%	\$339,000
Architectural	Included Above
Civil	Included Above
Structural	Included Above
Mechanical, Electrical & Fire Protection	Included Above
Subtotal Professional Fees	\$339,000

TOTAL CONSTRUCTION COST AND PROFESSIONAL FEES \$4,580,000

OTHER/ OWNER COSTS

Financing	To be determined
Legal	To be determined
Independent Testing Inspection	\$5,000
Hazardous Material Assessment and Abatement	\$95,000
Builder's Risk Insurance	To be determined
Payment and Performance Bonds	\$33,000
Permits:	
City of Montpelier building permit fee	Fee exempt??
Water Supply/Wastewater	To be determined
Erosion Control Permit	Not Applicable
Town Permits (Planning & Zoning)	Fee exempt??
Demolition Permit	To be determined
Act 250 @ .0074/\$1k (Under 1 Acre Disturbed)	Not Applicable
Utility Charges & Fees	\$20,000
Security and CCTV System	\$20,000
Data/Tele head end equipment, backbone distribution	\$15,000
Telephone System	\$3,000
Audio - Visual Equipment	\$5,000
Moving & Miscellaneous Expenses	To be determined
Furniture, Fixtures and Equipment (Excluding athletic equip.)	To be determined
Owner Contingency @ 10%	\$424,000

TOTAL OTHER/OWNER COSTS \$620,000

TOTAL PROJECT BUDGET \$ 5,200,000

MONTPELIER										
SOURCES & USES		DEBT SERVICE SCHEDULE				ANNUAL DEBT SERVICE SCHEDULE				
		Loan Payment	Principal	Coupon	Interest	Series D/S	Principal	Interest	Series D/S	
Sources	Assumptions									
Par	\$5,000,000		5,000,000		2,548,924	7,548,924	5,000,000	2,548,924	7,548,924	
Equity	0									
Total	\$5,000,000	11/1/2020		1.27%	45,922	45,922	6/30/2020	0	0	0
		5/1/2021			68,314	68,314	6/30/2021	0	114,236	114,236
Uses		11/1/2021	166,667	1.37%	68,314	234,980	6/30/2022	166,667	135,486	302,152
Project	\$5,000,000	5/1/2022			67,172	67,172	6/30/2023	166,667	133,186	299,852
COI		11/1/2022	166,667	1.39%	67,172	233,839	6/30/2024	166,667	130,836	297,502
Total	\$5,000,000	5/1/2023			66,014	66,014	6/30/2025	166,667	128,419	295,086
		11/1/2023	166,667	1.43%	66,014	232,680	6/30/2026	166,667	125,936	292,602
Dated Date	7/31/2020	5/1/2024			64,822	64,822	6/30/2027	166,667	123,356	290,022
Principal Payment Date	11/1/2021	11/1/2024	166,667	1.47%	64,822	231,489	6/30/2028	166,667	120,649	287,316
Term	31 Years	5/1/2025			63,597	63,597	6/30/2029	166,667	117,816	284,482
Amortization Period	30 Years	11/1/2025	166,667	1.51%	63,597	230,264	6/30/2030	166,667	114,856	281,522
Final Maturity	11/1/2050	5/1/2026			62,339	62,339	6/30/2031	166,667	111,769	278,436
Avg Life	15.84 Years	11/1/2026	166,667	1.59%	62,339	229,005	6/30/2032	166,667	108,390	275,056
		5/1/2027			61,017	61,017	6/30/2033	166,667	104,587	271,254
Statistics		11/1/2027	166,667	1.66%	61,017	227,684	6/30/2034	166,667	100,423	267,089
Net Interest Cost	3.22%	5/1/2028			59,632	59,632	6/30/2035	166,667	95,945	262,612
		11/1/2028	166,667	1.74%	59,632	226,299	6/30/2036	166,667	91,194	257,861
		5/1/2029			58,184	58,184	6/30/2037	166,667	86,214	252,881
		11/1/2029	166,667	1.81%	58,184	224,850	6/30/2038	166,667	81,044	247,711
[Note] NIC assumes no accrued interest		5/1/2030			56,672	56,672	6/30/2039	166,667	75,703	242,370
& par bonds		11/1/2030	166,667	1.89%	56,672	223,339	6/30/2040	166,667	70,209	236,876
		5/1/2031			55,097	55,097	6/30/2041	166,667	64,576	231,243
		11/1/2031	166,667	2.16%	55,097	221,764	6/30/2042	166,667	58,819	225,485
		5/1/2032			53,293	53,293	6/30/2043	166,667	52,948	219,615
		11/1/2032	166,667	2.40%	53,293	219,960	6/30/2044	166,667	46,974	213,641
		5/1/2033			51,294	51,294	6/30/2045	166,667	40,904	207,571
		11/1/2033	166,667	2.60%	51,294	217,961	6/30/2046	166,667	34,761	201,428
		5/1/2034			49,128	49,128	6/30/2047	166,667	28,560	195,226
		11/1/2034	166,667	2.77%	49,128	215,795	6/30/2048	166,667	22,301	188,967
		5/1/2035			46,817	46,817	6/30/2049	166,667	15,988	182,655
		11/1/2035	166,667	2.93%	46,817	213,484	6/30/2050	166,667	9,625	176,292
		5/1/2036			44,377	44,377	6/30/2051	166,667	3,216	169,883
		11/1/2036	166,667	3.05%	44,377	211,044	6/30/2052	0	0	0
		5/1/2037			41,837	41,837				
		11/1/2037	166,667	3.16%	41,837	208,504				
		5/1/2038			39,207	39,207				
		11/1/2038	166,667	3.25%	39,207	205,874				
		5/1/2039			36,496	36,496				
		11/1/2039	166,667	3.34%	36,496	203,163				
		5/1/2040			33,713	33,713				
		11/1/2040	166,667	3.42%	33,713	200,380				
		5/1/2041			30,863	30,863				
		11/1/2041	166,667	3.49%	30,863	197,530				
		5/1/2042			27,955	27,955				
		11/1/2042	166,667	3.55%	27,955	194,622				
		5/1/2043			24,993	24,993				
		11/1/2043	166,667	3.61%	24,993	191,660				
		5/1/2044			21,981	21,981				
		11/1/2044	166,667	3.67%	21,981	188,648				
		5/1/2045			18,923	18,923				
		11/1/2045	166,667	3.70%	18,923	185,590				
		5/1/2046			15,838	15,838				
		11/1/2046	166,667	3.74%	15,838	182,504				
		5/1/2047			12,722	12,722				
		11/1/2047	166,667	3.77%	12,722	179,389				
		5/1/2048			9,579	9,579				
		11/1/2048	166,667	3.80%	9,579	176,245				
		5/1/2049			6,409	6,409				
		11/1/2049	166,667	3.83%	6,409	173,076				
		5/1/2050			3,216	3,216				
		11/1/2050	166,667	3.86%	3,216	169,883				



CITY COUNCIL Agenda Item #19-378

Date: December 18, 2019

Consent ☐ Discussion ☒

SUBJECT: Budget Discussion

SUBMITTING DEPARTMENT: City Manager and Finance Department

RECOMMENDED ACTION: None, discussion only

STRATEGIC OUTCOME: Community Prosperity; Responsive and Responsible Government

EXPENDITURE REQUIRED: None

SOURCE OF FUNDS: N/A

LEGAL REQUIREMENTS: None

BACKGROUND INFORMATION: The Finance Department and City Manager will provide council with an update on the FY21 budget process.

SUPPORTING DOCUMENTS: Letter from the City Manager and budget books to be uploaded on Monday.

INTERESTED PARTIES: City Council, Residents, City Staff

CITY MANAGER'S APPROVAL:

A handwritten signature in black ink, appearing to read "W. Hoffman", written over a horizontal line.



CITY COUNCIL Agenda Item #19-379

Date: December 18, 2019

Consent ☐ **Discussion** ☒

SUBJECT: Dog Ordinance Discussion

SUBMITTING DEPARTMENT: City Manager's Office

RECOMMENDED ACTION: Receive a recommendation for edits to the Animal and Noise Ordinance from City Manager's staff. Council should discuss options and opt to hold public hearings regarding any proposed changes, if any.

STRATEGIC OUTCOME/PRIOR ACTION: Councilor Bate introduced a discussion on the dog and noise ordinances at the November 13th, 2019 Council Meeting. Council asked for staff to present recommendations for Council to then discuss.

EXPENDITURE REQUIRED: N/A

SOURCE OF FUNDS: N/A

LEGAL REQUIREMENTS: N/A

BACKGROUND INFORMATION: As directed, staff has benchmarked local and regional Ordinances that address the definition of nuisance dogs. Benchmarked communities and resources include the model dog ordinance from the Vermont League of Cities and Towns, other Vermont City ordinances, and ordinances from communities in New Hampshire and Massachusetts.

SUPPORTING DOCUMENTS: Nuisance Dog Ordinance Benchmarking Memo and Report and the Vermont League of Cities and Towns: Model Dog Control Ordinance with Guidance

INTERESTED PARTIES: Council, City Manager's Office

CITY MANAGER'S APPROVAL:

A handwritten signature in black ink, appearing to read "W. Hoffmann", written over a horizontal line.



Mayor Anne Watson

William Fraser
City Manager

City Council Members:

Dona Bate
Conor Casey
Ashley Hill
Lauren Hierl
Glen Coburn Hutcheson
Jack McCullough

Cameron Niedermayer
Assistant City Manager

MEMORANDUM

To: Mayor Watson & City Council Members
From: Cameron Niedermayer, Assistant City Manager
Re: Dog Nuisance Ordinance Benchmarking
Attachments: Vermont League of Cities and Towns: Model Dog Control Ordinance with Guidance, Nuisance Dog Ordinance Benchmarking Report
Date: December 3, 2019

As directed, staff has benchmarked local and regional Ordinances that address the definition of nuisance dogs. Benchmarked communities and resources include the model dog ordinance from the Vermont League of Cities and Towns, other Vermont City ordinances, and ordinances from communities in New Hampshire and Massachusetts.

The trend in almost all of the ordinances is to keep the level of specificity low in terms of definition regarding duration, noise level, or counting nuisance noises. When any of the benchmarked communities do enforce a time period for barking or other sound disturbances- it tends to be generous. Out of the Vermont Cities that were researched, only Winooski put a time limit in their ordinance, stating that nuisance dogs are those who are “disturb the quiet, comfort and repose of others by barking, whining, calling, or howling for a continuous period of 30 minutes or more”.

Most of the Vermont Cities in this report (Barre, Rutland, and Burlington) have the same ordinance language- stating that a nuisance dog is one that “barks, whines, howls, cries, or makes a noise commonly made by such animals in an excessive and continuous fashion so as to disturb the peace and quiet of any other person”. This language allows for flexibility and gives their Council or selectboard the option of employing greater nuance in how to regulate the behavior of their community’s dogs. It also acknowledges that the nuisance noise does have to cause a specific harm to an individual. The Vermont League of Cities and Towns’ suggested language also does not have an included time limit or other duration indicator, but does suggest that it could be useful in some communities.

Based on the commonality of not including any other type of metric on barking, etc. other than duration, staff recommends keeping the verbiage of the current Montpelier Ordinance defining nuisance dogs the same as it currently reads:

“Nuisance” shall mean any dog that:

- a. Chronically disturbs the quiet, comfort, and repose of others by barking, whining, calling, or howling for a continuous period of twenty (20) minutes or more.
 1. This definition shall not apply to:
 - i. dogs in a kennel/boarding facility which has received a zoning permit under the City’s Zoning Regulations; or
 - ii. “Working farm dogs” barking in order to herd or to protect livestock or poultry or to protect crops.
- b. Causes damage to property.

The City of Montpelier’s current ordinance acknowledges that the behavior must be chronic, gives a timeframe that is more limited than other communities, and insures protections for businesses and industry that may be impacted.



Vermont League of Cities and Towns
**MODEL DOG CONTROL ORDINANCE
WITH GUIDANCE**



Model Dog Control Ordinance Guidance

This most recent iteration of VLCT's model dog control ordinance endeavors to take a somewhat new approach to the age old problem of how best to regulate man's best friend. Rather than placing the burden of punishment on dogs, this model ordinance attempts to place it with those best positioned to change their behavior and who are ultimately responsible for their actions – their owners. Specifically, the ordinance designates any owner who has violated the ordinance a set number of times within a given timeframe (both to be determined by the selectboard) as a "reckless dog owner." In this case, the ordinance would require the owner to either submit proof of successful completion of a behavior modification program, which is designed to improve their understanding of dog ownership responsibilities, or face impoundment of the animal.

The model ordinance also takes a new approach to enforcement. Instead of treating all ordinance violations the same by imposing the same fine, this new model takes into consideration the impact of the harm that dogs inflict upon society by instituting a tiered enforcement structure. For example, a dog running at large, particularly one with an unknown rabies history, poses a substantially greater risk to the public health and safety than an owner who fails to pick up after their dog. This model reflects that difference by allowing towns to impose different fine amounts for different offenses while retaining the ability to escalate fines for subsequent violations. Under the newly amended model ordinance, towns also have the option of ticketing owners of "potentially vicious dogs" [i.e. dogs that chase a person, attack another domestic pet or animal, etc.].

WHY ADOPT A DOG CONTROL ORDINANCE?

There are various reasons for adopting a dog control ordinance. Does your town have a problem with dogs running at large? Do homeowners complain to you about having to pick up the mess left behind by someone else's dog? Is the peace and tranquility of your quiet town disrupted by the sound of incessant whining, barking, and howling echoing throughout the valley? If the answer to any of these questions is yes, then your town should consider adopting a dog control ordinance.

Few fields of law demand so much immediate attention, elicit such reactionary responses, draw the concern and ire of the public, or are as confusing to administer and enforce as Vermont's dog laws, which is why MAC has developed this model dog control ordinance to help you. An ordinance is a local law that allows a selectboard to regulate the conduct of all its inhabitants, including dogs and their owners. An ordinance sets expectations the townspeople have for dogs and their owners' behavior, and notifies people of potential consequences when these expectations are not met, including impoundment and fines. An ordinance may not solve or address all of your town's dog related problems but, when coupled with a commitment to enforcement, an ordinance will likely lessen the frequency of these infractions.

THE "POTENTIALLY VICIOUS DOG" OPTION

The Vermont Supreme Court has made it abundantly clear that a "town's right to control dogs that bite does not give rise to a generalized duty to control vicious dogs." *Rubin v. Town of Poultney*, 168

Vt. 624 (1998). Existing state law provides limited authority to regulate the behavior of aggressive dogs. Twenty V.S.A. § 3546 requires a selectboard to investigate and hold a hearing when there is a written complaint of a "vicious" dog -- a dog that: (1) bites a person; (2) off of the dog owner's premises; and (3) causes the bitten to require medical attention. All three of the above criteria must be met before triggering a selectboard's statutory duty to investigate. However, this is just the minimum the law requires. For various reasons, a selectboard may want to take on more responsibility by regulating aggressive dogs before they get to this point. In such instances, a selectboard can use a local ordinance to potentially head off more dangerous consequences by extending a town's authority over (and responsibility for) aggressive dogs beyond its basic legal obligations in order to better protect the public.

This model ordinances gives selectboards the option of employing greater flexibility to regulate the behavior of aggressive dogs, so long as they are willing to take on the additional responsibility that comes with such regulation. Specifically, this model gives the selectboard the authority to regulate dogs that are deemed to be "potentially vicious," (see VLCT's Model Dog Control Ordinance bracketed sections, marked "Optional"). It also gives the selectboard the option to choose whether to regulate bites that occur on the owner's premises. Before making the decision about whether a town will regulate such conduct, the selectboard should be aware of the associated responsibility that results from adopting an ordinance. According to the Dog Bite Law Center, approximately 70% of all dog bites occur on a dog owner's property which means choosing this option may result in a marked increase in vicious dog hearings. In addition, there is a risk of increased liability exposure to the town if the ordinance is adopted but not carefully enforced. Consequently, a town instituting these options should be sure to hold a hearing when a complaint is received and adhere to the processes laid out for "vicious" dog hearings, including rendering a protective order when necessary. Furthermore, a town incorporating this option should anticipate an associated increase in administrative and enforcement costs related to compliance. All of these factors must be weighed against the projected benefits of addressing these issues through an ordinance.

HOW TO CUSTOMIZE THIS MODEL ORDINANCE

In addition to referring back to this guidance, as needed, it is important that you read our resource entitled "How to Use MAC Model Ordinances" before making any revisions to or adopting this model. Please also refer to our other useful resource on this topic, The Big Book of Woof, and our resources on ordinance adoption more generally (Municipal Policies and Ordinances Info Sheet; Quick Guide to Ordinance Adoption, Amendment, or Repeal; and Ordinance Notice Requirements Info Sheet).

This model ordinance should be customized to suit the particular needs of your municipality, giving careful consideration to each element in light of your community's resources and expectations. Opportunities for editing this ordinance are designated with brackets or "Optional" italicized text. You must remove, replace, or accept the customizable language before adopting the ordinance. The selectboard should consult with law enforcement to ensure that the provisions of the ordinance are relevant and realistic in terms of the resources needed for enforcement.

This model ordinance has been developed for illustrative purposes only. VLCT makes no express or implied endorsement or recommendation of any ordinance, nor does it make any express or implied guarantee of legal enforceability or legal compliance, or that any ordinance is appropriate for any particular municipality. Each municipality is advised to seek legal counsel to review any proposed ordinance before adoption and / or use. VLCT PACIF members are advised to seek input from their municipality's loss control specialist regarding insurance considerations and risk avoidance.

Select and copy below this line.

TOWN OF _____

ORDINANCE REGULATING DOGS AND WOLF-HYBRIDS

SECTION 1. AUTHORITY. This ordinance is adopted by the Selectboard of the Town of _____ under authority of 20 V.S.A. § 3549, 24 V.S.A. §§ 2291 (10), (14), and (15), and 24 V.S.A. Chapter 59.

SECTION 2. PURPOSE. The purpose of this ordinance is to regulate the keeping of dogs and wolf hybrids and to provide for their leashing, muzzling, restraint, impoundment and destruction, in order to protect the public health and safety of the Town, and preserve the quiet enjoyment of its residents' homes and properties.

SECTION 3. DEFINITIONS. For purposes of this ordinance, the following words and phrases shall apply:

- A. "Dog" means any member of the canine species. For purposes of this ordinance, this term shall also include "wolf-hybrids" and "working farm dogs" except as otherwise stated.
- B. "Domestic animal" means cattle, sheep, goats, equines, deer, American bison, swine, poultry, pheasant, Chukar partridge, Coturnix quail, psittacine birds, ferrets, camelids, ratites (ostriches, rheas, and emus), and water buffalo. The term shall include cultured fish propagated by commercial fish farms.
- C. "Domestic pet" or "pet" means any domestic dog, domestic cat, or ferret.
- D. "Enforcement Officer" means any Town Constable, Police Officer, Animal Control Officer, Humane Officer, or any other person designated as an Enforcement Officer by the Selectboard.
- E. "Impoundment" means being held by the Town at a place designated by the Selectboard. Such place may or may not be operated by the Town, and may or may not be within Town limits.
- F. "Owner" means any person who has actual or constructive possession of a dog. The term also includes those persons who provide food and shelter to a dog.
- G. **[Optional, See Guidance:** *"Potentially vicious dog" means a dog that, while running at large: inflicts minor injuries on a person not necessitating medical attention; chases, worries, threatens to attack or attacks another domestic pet or domestic animal; causes damage to personal or real property; chases a person; or causes any person to reasonably fear attack or bodily injury from such dog. This definition shall not apply if the dog was protecting or defending itself, its offspring, another domestic pet or animal or a person from attack or assault or the person attacked or threatened by the dog was engaged in teasing, tormenting, battering, assaulting, injuring or*

otherwise provoking the dog.]

- H. “Premises” means the home and real property of the dog owner.
- I. “Running at large” means that a dog is not:
1. on a leash; or
 2. in a vehicle; or
 3. on the owner’s premises;
 4. on the premises of another person with that person’s permission; or
 5. clearly under the verbal or non-verbal control of its owner.
- J. “Wolf hybrid” means an animal that:
1. is the progeny of a dog and a wolf (*Canis lupus* or *Canis rufus*); or
 2. is advertised or otherwise described or represented to be a wolf hybrid; or
 3. exhibits primary physical and/or behavioral wolf characteristics.
- K. “Working farm dog” means a dog that:
1. is bred or trained to herd or protect livestock or poultry or to protect crops; and
 2. is used for those purposes; and
 3. is registered as a working farm dog pursuant to State law.

SECTION 4. NUISANCES.

- A. **Prohibitions.** An owner of a dog shall not allow, permit, or suffer such dog to create a nuisance. The following activities shall be deemed nuisances:

Nuisance One: Lack of current license and/or rabies tag

A dog without a collar or harness with the current license and/or valid rabies tag securely attached.

Nuisance Two: Running at large

A dog running at large in the Town.

Nuisance Three: Failure to remove waste

A dog that defecates in any public area or on the private premises of another person and whose owner does not immediately remove the fecal material and dispose of it in a sanitary manner.

Nuisance Four: Unconfined dog in heat

A female dog in heat not confined to a building or other secured enclosure, except while under the direct control of the owner.

Nuisance Five: Disturbing the Peace

A dog that disturbs the quiet, comfort and repose of others by barking, whining, calling, or

howling for a continuous period of [insert number] minutes or more. [If applicable, insert the following: "This regulation shall not apply to dogs in a kennel or boarding facility which has received a zoning permit under the Town's Zoning Regulations. The zoning permit will govern the use of the kennel or boarding facility."]

[Optional, See Guidance: Nuisance Six: Potentially vicious dog]

A dog that while running at large: inflicts minor injuries on a person not necessitating medical attention; chases, worries, threatens to attack or attacks another domestic pet or domestic animal; causes damage to personal or real property; chases a person; or causes any person to reasonably fear attack or bodily injury from such dog. This definition shall not apply if the dog was protecting or defending itself, its offspring, another domestic pet or animal or a person from attack or assault or the person attacked or threatened by the dog was engaged in teasing, tormenting, battering, assaulting, injuring or otherwise provoking the dog.]

- B. Exemptions for Working Dogs.** The provisions of the sections pertaining to running at large and disturbing the peace shall not apply to working farm dogs if the working farm dog is:
1. barking in order to herd or protect livestock or poultry or to protect crops; or
 2. running at large in order to herd or protect livestock or poultry or to protect crops.

SECTION 5. COLLAR AND LICENSE. Each dog shall be licensed according to the laws of this State and shall wear a collar or harness with the current license attached. A dog that is visiting from out of state must wear a collar or harness with a current license from its home state attached. A dog that is found without a collar or harness and license shall be in violation of this Ordinance and may be immediately impounded.

SECTION 6. ENFORCEMENT. A violation of this Ordinance shall be a civil matter which may be enforced in the Vermont Judicial Bureau or in the [insert name of county] County Superior Court, at the election of the [insert either "Selectboard" or "Enforcement Officer"].

Violations enforced in the Judicial Bureau shall be in accordance with the provisions of 24 V.S.A. §§ 1974a and 1977 et seq. For purposes of enforcement in the Judicial Bureau, any Enforcement Officer shall have authority to issue tickets and represent the Town at any hearing.

Violations enforced in the Superior Court shall be in accordance with the Vermont Rules of Civil Procedure. The Town may pursue all appropriate injunctive relief.

SECTION 7. PENALTIES AND COSTS.

- A.** The Enforcement Officer is authorized to recover civil penalties for violations of this Ordinance in the following amounts for each violation:

Failure to remove waste

1st Offense: warning or \$____ fine

Waiver Fee: \$____

2nd Offense: \$____ fine

Waiver Fee: \$____

3rd & Subsequent Offense: \$____ fine

Waiver Fee: \$____

Disturbing the peace

1st Offense: warning or \$____ fine

Waiver Fee: \$____

2nd Offense: \$____ fine

Waiver Fee: \$____

3rd & Subsequent Offense: impoundment and/or \$____ fine

Waiver Fee: \$____

Unconfined Dog in Heat

1st Offense: warning or impoundment and/or \$____ fine

Waiver Fee: \$____

2nd Offense: impoundment and/or \$____ fine

Waiver Fee: \$____

3rd & Subsequent Offense: impoundment and/or \$____ fine

Waiver Fee: \$____

Lack of current license and/or rabies tag

1st Offense: warning or impoundment and/or \$____ fine

Waiver Fee: \$____

2nd Offense: impoundment and/or \$____ fine

Waiver Fee: \$____

3rd & Subsequent Offense: impoundment/or and \$____ fine.

Waiver Fee: \$____

Running at large

1st Offense: warning or impoundment and/or \$____ fine

Waiver Fee: \$____

2nd Offense: impoundment and/or \$____ fine

Waiver Fee: \$____

3rd & Subsequent Offense: impoundment and/or \$____ fine

Waiver Fee: \$____

[Optional, See Guidance: *Potentially vicious dog*]

1st Offense: warning or impoundment and/or \$____ fine

Waiver Fee: \$____

2nd Offense: impoundment and/or \$____ fine

Waiver Fee: \$____

3rd Offense: impoundment and/or \$____ fine

Waiver Fee: \$____

- B. The Enforcement Officer is authorized to recover a waiver fee in lieu of a civil penalty, in the stated amount, for any person who declines to contest a municipal complaint and pays the waiver fee.
- C. Determining the sequences of offenses for violations of this Ordinance shall be as follows: a subsequent violation that is identical to, and that occurs within __ months of, a previous violation shall be considered a higher offense (i.e., second, third, or subsequent offense). Any subsequent identical violation that occurs after __ months of a previous identical violation shall be considered a new first offense.
- D. **Reckless Dog Owner.** Any owner who has violated this Ordinance __ times, whether the offenses are identical or not, within a __ month period shall provide proof to the Enforcement Officer of successful completion of a behavior modification program, pre-approved by the

Selectboard, and designed to improve the owner's understanding of dog ownership responsibilities, within ___ months from the date of notification. The Enforcement Officer shall issue a notification of this requirement, in writing by regular mail postage prepaid, to the owner's last known address. Failure to provide such certification within the time allotted shall subject the offending dog(s) to immediate seizure and impoundment.

- E. For purposes of calculating the sequence of offenses, offenses shall be counted against the owner.
- F. A warning shall not be counted towards the calculation of the number of offenses under this Ordinance.

SECTION 8. IMPOUNDMENT.

- A. **Grounds for Impoundment.** Any dog may be immediately impounded if the dog:
 - 1. has been determined by an Enforcement Officer to be a "potentially vicious dog," which presents an imminent danger to people or other animals;
 - 2. has reportedly bitten a person off [insert "or on" if the ordinance will apply to all dog bites, regardless of location] the premises of its owner;
 - 3. is in violation of State licensing law;
 - 4. has an unknown rabies vaccination history or is suspected of having been exposed to rabies;
 - 5. is running at large;
 - 6. is an unconfined dog in heat; or
 - 7. is found without a collar or harness and license.
- B. **Notice of Impoundment.** The officer who impounds a dog shall, within twenty-four (24) hours, give notice to the owner thereof either personally, by telephone call, or by regular mail postage prepaid at the owner's last known address. Such notice shall inform the owner of the nature of the violations, the dog's location, and the necessary steps to have it returned to the owner.

If the owner of the dog is unknown, the officer who impounds a dog shall, within twenty-four (24) hours of impoundment, post a public notice. Notification shall be posted in the town clerk's office and other usual places for public notice for a ten (10) calendar day period. The public notice shall include a description of the dog, including any significant marks of identification, and when and where it was impounded or found by the person placing the dog in the town's custody. The public notice must also declare that, unless the owner 1) claims the dog, 2) pays all expenses incurred by the town for treatment, boarding and care of the dog, and any applicable penalties, and 3) takes all necessary remedial action within ten (10) calendar days following posting, the town may place the dog in an adoptive home or transfer it to a humane society or rescue organization. If the dog cannot be placed in an adoptive home or transferred to a humane society or rescue organization, it may be destroyed in a humane way.

- C. **Release from Impoundment.** Impounded dogs shall be released to the owner only after payment of all penalties and impoundment fees (including, but not limited to, boarding, food, and veterinary expenses), the final disposition of a potentially vicious dog or vicious dog hearing if applicable, and after all necessary remedial action, as determined by the enforcement officer in consideration of the violation committed, is taken by the owner. Remedial action shall include, but is not limited to, such actions as providing a collar and current license; verification of certification of current vaccination against rabies; payment of all applicable fines or waiver fees; and proof of satisfactory successful completion of a program designed to improve the owner's understanding and execution of dog ownership responsibilities.

If the owner of a dog impounded under the provisions of this ordinance refuses to take the remedial action necessary to secure the dog's release within ten (10) calendar days following notice of impoundment or gives notice either personally, by telephone call, or in writing to the town of forfeiture of ownership before that time, the dog may be placed in an adoptive home, transferred to a humane society or rescue organization; or, if the town is unable to transfer the dog, it may be humanely destroyed. The owner of a dog transferred or humanely destroyed shall remain liable for all expenses incurred by the Town for treatment, boarding and care of the dog for the duration of its impoundment, and any expenses associated with its transfer or humane disposal.

- D. **Rabies Suspect.** The procedures provided in this section shall only apply if the dog is not a rabies suspect. If an official designated by the Selectboard to enforce the provisions of this ordinance determines that the dog is a rabies suspect, the Selectboard shall immediately notify the Town Health Officer who shall proceed in accordance with the Vermont Department of Health's rules.

SECTION 9. INVESTIGATION OF VICIOUS DOGS.

- A. **Complaint.** When a dog has bitten a person while the dog is off *[insert "or on" if the ordinance will apply to all dog bites, regardless of location]* the premises of its owner or keeper, and the person bitten requires medical attention for the attack, such person may file a written complaint with the Selectboard of the municipality. The complaint shall contain the time, date, and place where the attack occurred, the name and address of the victim or victims, and any other facts that may assist the Selectboard in conducting its investigation.
- B. **Investigation and Hearing.** The Selectboard, within seven (7) calendar days from receipt of the complaint, shall investigate the charges and hold a hearing on the matter. If the owner of the dog which is the subject of the complaint can be ascertained with due diligence, said owner shall be provided with a written notice of the time, date, and place of hearing and a copy of the complaint.
- C. **Protective Order.** If, after a hearing on the matter, the dog is found to have bitten the victim without provocation, the Selectboard shall make such order for the protection of

persons as the facts and circumstances of the case may require, including, without limitation, that the dog is disposed of in a humane way, muzzled, chained, or confined. The order shall be sent by certified mail, return receipt requested, to the owner. A person who, after receiving notice, fails to comply with the terms of the order shall be subject to the penalties provided in 20 V.S.A. § 3550.

- D. **Rabies suspect.** The procedures provided in this section shall only apply if the dog is not a rabies suspect. If a member of the Selectboard or an Enforcement Officer determines that the dog is a rabies suspect, the Selectboard shall immediately notify the Town Health Officer who shall proceed in accordance with the Vermont Department of Health's rules. If the dog is deemed healthy, the terms and conditions set forth in the Selectboard's order shall be enforced.

[Optional, See Guidance: *SECTION 10. POTENTIALLY VICIOUS DOGS*.

A person claiming a dog is a "potentially vicious dog" may file a written complaint with the Selectboard. The complaint shall contain the time, date, and place where the alleged behavior occurred, an identification of the domestic pet or animal threatened or attacked, the name and address of any victim or victims, and any other facts that may assist the Selectboard in conducting its hearing. Upon receipt of a "potentially vicious dog" complaint the Selectboard shall proceed as in the case of a "vicious dog" complaint with the exception that if the Selectboard determines that the behavior classifies the dog as "potentially vicious" the Selectboard may order any protective measures be taken absent the dog being humanely destroyed.]

SECTION 11. OTHER LAWS. This ordinance is in addition to all other ordinances of the Town of _____ and all applicable laws of the State of Vermont. All ordinances or parts of ordinances, resolutions, regulations, or other documents inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

SECTION 12. SEVERABILITY. If any section of this ordinance is held by a court of competent jurisdiction to be invalid, such finding shall not invalidate any other part of this ordinance.

SECTION 13. EFFECTIVE DATE. This ordinance shall become effective 60 days after its adoption by the Selectboard. If a petition is filed under 24 V.S.A. § 1973, that statute shall govern the taking effect of this ordinance.

Adopted this _____ day of _____, 20__.

SIGNATURES:

Adoption History

1. Agenda item at regular Selectboard meeting held on _____.
2. Read and approved at regular/special Selectboard meeting on _____ and entered in the minutes of that meeting which were approved on _____.
3. Posted in public places on _____.
4. Notice of adoption published in the _____ newspaper on _____ with a notice of the right to petition.
5. Other actions [petitions, etc.]

Nuisance Dog Ordinance Benchmarking
December 3, 2019

This report contains examples of various Communities' ordinances regarding the definition of "nuisance dogs", and any immediately related enforcement measures. Benchmarked communities are from Vermont, New Hampshire, and Massachusetts.

Model Dog Ordinance: Vermont League of Cities and Towns

SECTION 4. NUISANCES.

- A. Prohibitions. An owner of a dog shall not allow, permit, or suffer such dog to create a nuisance. The following activities shall be deemed nuisances:

Nuisance One: Lack of current license and/or rabies tag

A dog without a collar or harness with the current license and/or valid rabies tag securely attached.

Nuisance Two: Running at large

A dog running at large in the Town.

Nuisance Three: Failure to remove waste

A dog that defecates in any public area or on the private premises of another person and whose owner does not immediately remove the fecal material and dispose of it in a sanitary manner.

Nuisance Four: Unconfined dog in heat

A female dog in heat not confined to a building or other secured enclosure, except while under the direct control of the owner.

Nuisance Five: Disturbing the Peace

A dog that disturbs the quiet, comfort and repose of others by barking, whining, calling, or howling for a continuous period of [insert number] minutes or more. [If applicable, insert the following: "This regulation shall not apply to dogs in a kennel or boarding facility which has received a zoning permit under the Town's Zoning Regulations. The zoning permit will govern the use of the kennel or boarding facility."]

Burlington, VT

5-4 Nuisance animals.

No owner, keeper or other person having control shall permit an animal to be a nuisance animal. For the purposes of this section, nuisance animal means any animal or animals which:

- (1) Molests or harasses passersby or passing vehicles, or otherwise creates a public safety hazard;
- (2) Attacks other animals;
- (3) Damages property other than that of its owner;
- (4) Defecates off the premises of the animal's owner, and the owner, or other individual in control of the animal, fails to remove such deposit immediately;
- (5) Barks, whines, howls, cries, or makes a noise commonly made by such animals in an excessive and continuous fashion so as to disturb the peace and quiet of any other person.

South Burlington, VT

3- Disturbances and Nuisances

An owner of a dog or cat shall not allow, permit, or suffer a dog or cat to create a nuisance. The following shall be deemed nuisances:

- a) Running at Large in the City.
- b) A female dog or cat in heat that is not confined to a building or other secured enclosure, except while under the direct control of the Owner.
- c) A Dog or Cat which, by frequent or long continued noise, disturbs the quiet, comfort, and repose of others.
- d) A Dog or Cat that defecates in any public area or on the private property of another person and whose Owner does not immediately remove the fecal material and dispose of it in a sanitary manner.

Rutland, VT

§13-2551 Nuisance Animals.

No owner, keeper or other person having control shall permit an animal to be a nuisance animal. For the purposes of this section, nuisance animal means any animal or animals which:

- (1) Molests or harasses passersby or passing vehicles;
- (2) Attacks other animals;
- (3) Damages property other than that of its owner;
- (4) Defecates off the premises of the animal's owner, and the owner or other individual in control of the animal, fails to remove such deposit immediately;
- (5) Barks, whines, howls or cries in an excessive and continuous fashion so as to disturb the peace and quiet of any other person.

Barre, VT

Sec. 3-20. Nuisance animals.

No owner, keeper or other person having control shall permit an animal to be a nuisance animal. For the purposes of this section, nuisance animal means any animal or animals which:

Molests or harasses passersby or passing vehicles, or otherwise creates a public safety hazard;

- (1) Attacks other animals;
- (2) Damages property other than that of its owner;
- (3) Defecates off the premises of the animal's owner, and the owner, or other individual in control of the animal, fails to remove such deposit immediately;
- (4) Barks, whines, howls, cries, or makes a noise commonly made by such animals in an excessive and continuous fashion so as to disturb the peace and quiet of any other person. (Ord. No. 2010-01, 7-6-10)

Winooski, VT

SECTION 3.13 - NUISANCES

An owner of a dog shall not allow, permit, or suffer such dog to create a nuisance. The following activities shall be deemed nuisances:

1. A dog that defecates in any public area or on the private premises of another person and whose owner does not immediately remove the fecal material and dispose of it in a sanitary manner.
2. A female dog in heat not confined to a building or other secured enclosure, except while under the direct control of the owner.
3. A dog that disturbs the quiet, comfort and repose of others by barking, whining, calling, or howling for a continuous period of 30 minutes or more.

This regulation shall not apply to dogs in a kennel/boarding facility which has received a zoning permit under the city's zoning regulations. The zoning permit will govern the use of the kennel/boarding facility.

St. Albans, VT

CHAPTER 7 ANIMAL ORDINANCE

2801-h "Nuisance" shall be those acts of a pet which unreasonably interferes with the peace and quiet of persons of ordinary sensibility. Acts of nuisance shall include, but not be limited to habitual barking, yelping or howling, defecation and examination of garbage cans.

2809. Nuisances.

No person owning or harboring a pet shall permit such pet to be a nuisance as defined.

2810. Investigation of Nuisances.

- a) When a pet has caused a nuisance to a person, such person may file a written complaint with the Animal Control Officer. The complaint shall contain the time, date, and place where the nuisance occurred, the name and address of the persons affected, and any other facts that may assist the Animal Control Officer in conducting his investigation.
- b) If the pet is found to be a nuisance as defined, the Animal Control Officer shall, without limitation, issue a ticket under Section 2819, order the pet confined, chained, or muzzled, and/or refer the matter to the City Council.

2819-b

Before a ticket is issued for a violation of Sections 2803, 2804, 2805, 2806, 2808, 2809 and 2810 of this ordinance, a warning will be given. Violations of Sections 2807, 2811 and 2812 do not qualify for a warning. After the initial warning, a violation of Sections 2803, 2804, 2805, 2806, 2808, 2809 and 2810 of this ordinance is subject to a fine of \$75.00 a day.

A person who admits or does not contest a ticket issued pursuant to this ordinance may satisfy the fine by payment of a waiver fee set as follows: First offense- \$30.00 Second offense in a one year period from the date of the warning- \$50.00 Third and subsequent offenses in a one year period from the date of the warning - \$75.00 (Change 7/6/06)

Keene, New Hampshire

Sec. 10-35. - Nuisance, menace or vicious dogs.

- (a) Prohibited. No dog shall be permitted, whether or not leashed or restrained, to be a nuisance, a menace, or vicious to persons, property or other animals.
- (b) Nuisance dogs. A dog is adjudged to be a nuisance if it:
 - (1) Barks for sustained periods of more than one-half hour or during the night hours so as to disturb the peace and quiet of a neighborhood or area.
 - (2) Digs, scratches or excretes or causes waste or garbage to be scattered on property other than the owner's.
 - (3) Is off the premises of the owner or keeper and not under the control of any person by means of personal presence and attention as will reasonably control the conduct of such dog, unless accompanied by the owner or custodian. This subsection shall not include a dog which is being used for hunting, herding, supervised competition, or exhibition or training for such activities if accompanied by the owner or custodian, meaning that the owner or custodian must be able to see or hear the dog or have reasonable knowledge of where the dog is hunting or herding or where training is being conducted or where trials are being held, provided that such dog does not have to be within sight at all times.
- (c) Menace dogs. A dog is adjudged to be a menace if it:
 - (1) Growls, snaps at, runs after or chases any person.
 - (2) Runs after or chases bicycles, motor vehicles, motorcycles, or other vehicles being driven, pulled or pushed on the public ways of the city.
- (d) Vicious dogs. A dog is adjudged to be vicious if it, whether alone or in a pack with other dogs, bites, attacks, or preys on game animals, domestic animals, fowl or human beings.

Cambridge, Massachusetts

6.04.050 - Dogs—Nuisances unlawful.

No person shall own or keep in the City any dog which by barking, biting, howling or in any other manner, disturbs the quiet of any person.

6.04.120 - Violation—Penalty.

Any person who violates any of the provisions of Sections 6.04.040, 6.04.050, 6.04.070, 6.04.080 or 6.04.090 of this chapter shall be subject to a fine not exceeding fifty dollars for each offense. Any person who violates any of the provisions of Section 6.04.020 of this chapter shall be subject to a fine of fifty dollars for each offense. A violation of Section 6.04.030 shall be punishable by a fine of twenty-five dollars for each offense, plus any and all costs of care and confinement, and any other amounts allowed by law. A violation of Section 6.04.060 of this chapter shall be punishable by a fine of not more than one hundred dollars for each offense (Ord. No. 1373, 10/19/2015; Ord. 1125 § 1, 1991: Ord. 998 (part), 1983: prior code § 4-6)

Chelsea, Massachusetts

Sec. 4-5. - Nuisances.

No owner shall fail to exercise proper care and control of such person's animals to prevent them from becoming a public nuisance. Excessive or untimely barking, molesting passersby, chasing vehicles, habitually attacking people or other domestic animals, trespassing upon school grounds, or trespassing upon private property in such manner as to damage property shall be deemed a nuisance.

Sec. 4-39. - Fines—Generally.

Any person violating any provision of this article shall be deemed guilty of a violation and shall be subject to a criminal fine, for offenses within a calendar year, of:

- 1) \$25.00 for the first offense;
- 2) \$50.00 for the second offense;
- 3) \$75.00 for the third offense and each subsequent offense; and shall in all other respects be subject to the provisions of section 1-8.

Sec. 4-41. - Issuance of tickets.

The animal control officer and police officers of the city are empowered to issue tickets for violations of the provisions of this article.

Sec. 4-49. - Curbing of dogs.

- (a) Any dog which scratches, digs, urinates or defecates upon any lawn, tree, shrub, plant, building, sidewalk or any other public or private property, other than the property of the owner or person in charge or control of such dog, is declared to be a nuisance.
- (b) No person being the owner in charge or control of any dog shall allow or permit such animal to commit a nuisance on any school grounds, city park or other public property, or upon any private property other than that of the owner or person in charge or control of such dog, without the permission of the owner of such property.
- (c) Where the owner or person in charge or control of such dog immediately removes all feces deposited by such dog and disposes of such in a sanitary manner, such nuisance shall be considered abated.

Lawrence, Massachusetts

Title 6 – ANIMALS

Nuisance animal means any animal which:

1. Molests passersby or passing vehicles, including bicycles;
2. Attacks other animals;
3. Trespasses on school grounds;
4. Is at large in violation of this chapter;
5. Damages private or public property;
6. Barks, whines, or howls and disturbs the peace and tranquility of an area;
7. Bites or attacks any persons.

6.04.100 - Nuisance animals prohibited.

No person who owns or keeps an animal shall allow such animal to become a nuisance by reason of vicious disposition, being a dangerous animal, excessive barking, or other disturbance, or that by such barking or other disturbance is a source of annoyance to any such person. Animal behavior which constitutes a nuisance includes, but is not limited to, the following:

- A. Molesting passersby or passing vehicles (including bicycles);

Nuisance Dog Ordinance Benchmarking
December 3, 2019

- B. Attacking persons or domestic animals, trespassing on school grounds or other public property, repeated and consistent instances of wandering unrestrained, damaging public or private property, barking, whining or howling in an excessive, continuous, or untimely fashion.

New Bedford, Massachusetts

Chapter 4 – ANIMALS

Sec. 4-28. - Restraint of dogs; nuisance abatement; notice to remove or destroy dog.

No person owning or harboring a dog shall suffer or allow it to run at large in any of the streets or public places in the city or allow it upon the premises of anyone other than the owner or keeper of such dog without the permission of the owner or occupant of such premises. No dog shall be permitted in any street or public place within the city unless it is effectively restrained as above defined by a chain or leash not exceeding seven (7) feet.

The keeping or harboring of any dog or other animal, whether licensed or not, which by habitual howling, yelping, barking or other noise disturbs or annoys any considerable number of persons or neighborhood is unlawful, and is hereby declared to be a public nuisance and each day shall constitute a separate offense. The provisions of M.G.L.A. c. 140 shall be applicable.

It shall be the duty of each person who owns, possesses or controls a dog or any other animal, to remove and dispose of any feces left by such person's dog or other animal, on any sidewalk, street or any other area to which the public has access. It shall be the duty of each person who owns, possesses or controls a dog or any other animal, to remove and dispose of any feces left by such person's dog or other animal on private property abutting a public way while such person's dog or animal is under restraint, control or command. This subsection shall not apply to a guide dog accompanying any blind person.

On complaint made to the dog officer of any dog owned or kept within the city, which shall, by barking, biting, howling or in any way or manner endanger the safety or disturb the quiet of any person whomsoever, the dog officer shall, on such complaint, if satisfied that good cause exists thereof, issue notice thereof to the person owning or keeping such dog; and in case such person shall, after such notice, neglect to cause such dog to be forthwith removed and kept beyond the limits of the city or to be killed, such person shall be subject to the penalty provided in section 17-18, the ticketing by-law.

If any person, after being convicted under the provisions of this section, shall still neglect or refuse to kill or remove such dog beyond the limits of the city, it shall be the duty of the dog officer to cause such dog to be killed.

It shall be unlawful for any person to knowingly keep or harbor any dog which barks, howls or yelps in such a manner as to materially disturb or annoy persons in the neighborhood who are of ordinary sensibilities. Such dogs are hereby declared to be a public nuisance.